

FILED

APR - 4 2012

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

ANTHONY RAY JACINTO,

Defendant.

No. CR 12-00099 YGR (DMR)

DETENTION ORDER

I. DETENTION ORDER

Defendant Anthony Ray Jacinto is charged in an indictment with violations of 18 U.S.C. §§ 922(g)(1) and 924(d)(1) (felon in possession of ammunition; felon in possession of firearm and ammunition; and gun and ammunition forfeiture). On March 30, 2012, the United States moved for Mr. Jacinto's detention and asked for a detention hearing as permitted by 18 U.S.C. § 3142(f). Pretrial Services prepared a full bail study. At the April 4, 2012 hearing before this Court, Defendant waived the timing of his right to proffer information at a detention hearing, *see* 18 U.S.C. § 3142(f) (a defendant has the right at a section 3142(f) hearing, with the assistance of counsel, to testify, to present witnesses, to cross-examine adverse witnesses, and to present

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1 information by proffer or otherwise), and retained his right to raise any additional relevant
2 information at a later hearing. The Court notes that Defendant is subject to a state probation
3 hold.

4 After considering the limited information available to the Court, and the factors set forth
5 in 18 U.S.C. § 3142(g), the Court detains Mr. Jacinto as presenting a danger to the community
6 and finds that no condition or combination of conditions in 18 U.S.C. § 3142(c) will reasonably
7 assure his appearance in this case. See 18 U.S.C. §§ 3142(e) and (f); *United States v. Motamedi*,
8 767 F.2d 1403, 1406 (9th Cir. 1985).


9 II. CONCLUSION

10 The Court detains Mr. Jacinto. Because Defendant waived his right to present
11 information under 18 U.S.C. § 3142(f) without prejudice to raising relevant information at a later
12 hearing, the Court orders that the hearing may be reopened at Defendant's request at any future
13 time.

14 Defendant shall remain committed to the custody of the Attorney General for
15 confinement in a corrections facility separate, to the extent practicable, from persons awaiting or
16 serving sentences or being held in custody pending appeal. Defendant shall be afforded
17 reasonable opportunity for private consultation with counsel. On order of a court of the United
18 States or on request of an attorney for the Government, the person in charge of the corrections
19 facility in which Defendant is confined shall deliver Defendant to a United States marshal for the
20 purpose of an appearance in connection with a court proceeding.

21 IT IS SO ORDERED.

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24 DATED: April 4, 2012

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DONNA M. RYU
United States Magistrate Judge